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Application No.: 10/675,376

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Docket No.: 249212023500

REMARKS

Claims 1-18, 22, and 23 were pending and claims 1-18, 22, and 23 stand rejected. By virtue of this response, claims 1, 3, 4, and 10 have been amended. The amendment to the claims is fully supported by the detailed description and figures; accordingly, no new matter has been added. Accordingly, claims 1-18, 22, and 23 are currently under consideration.

For the Examiner's convenience, Applicants' remarks are presented in the same order in which they were raised in the Office Action.

**Claim Rejections under 35 USC §102**

Claims 1, 2, and 22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Krayer (U.S. Patent No. 5,548,521).

Applicants have amended claim 1 as indicated herein to recite a storage library system comprising "a vertical stationary support member having a first major axis oriented vertically," and a cartridge transport assembly "coupled to the vertical stationary support member for movement along the first major axis." Applicants submit that the features of claim 1 (as amended) are not disclosed or reasonably suggested by Krayer. In particular, Krayer fails to disclose or suggest a vertical stationary support member having a major axis oriented vertically and a cartridge transport assembly coupled thereto "for movement along the first major axis," as presently recited by claim 1.

The Office Action identifies rail assembly 14 (as shown in FIG. 1) as a "stationary support member," that extends both horizontally and vertically. However, it is clear that the major axis of rail assembly 14 is oriented horizontally, and further that rail assembly 14 supports device 16 only for movement in a horizontal direction, and not for movement along the an axis oriented vertically as recited by claim 1. In particular, device 16 is shown and described as moving horizontally along rail assembly 14, e.g., along the floor or base of the data carrier library shown in FIG. 1. There is no disclosure or suggestion that device 16 is coupled to rail assembly 14 in a

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manner for movement along a vertically oriented first major axis. Accordingly, the disclosure of Krayer fails to meet the features of claim 1 (as amended) and the rejection should be withdrawn.

Furthermore, there is no suggestion to modify the assembly of Krayer to include a stationary vertical support member as recited by claim 1. For example, as seen in FIG. 2, the horizontal support member 14 facilitates movement of data carrier handling device 16 with the system and between multiple data carrier stores 12, 22a-c, and so on. See, e.g., Krayer, col. 12, lines 51-60. Accordingly, one of ordinary skill in the art would not be motivated to modify Krayer to meet the features of claim 1, and further, such a modification would impermissibly change the principle of operation of Krayer (e.g., the library comprising "rotary towers 12 arranged on either side of a rail assembly 14 designed for travel of a data carrier handling device 16 thereon." Krayer, col. 12, lines 14-18).

Accordingly, for at least these reasons, Applicants request the rejection be withdrawn and claims 1, 2, and 22 allowed.

#### **Claim Rejections under 35 USC §102/103**

A. Claims 3-7, 10-14, 18, and 23 stand rejected under 35 U.S.C. 102(b) as anticipated by Krayer (US 5,548,521) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Krayer (U.S. Patent No. 5,548,521) in view of Panissidi (U.S. Patent No. 4,229,136).

Claims 2-7 depend from claim 1 and are allowable over Krayer for at least similar reasons as claim 1. Further, Panissidi fails to cure the deficiencies of Krayer. Accordingly, the rejection should be withdrawn and claims 2-7 allowed.

Claim 10 has been amended similarly to claim 1 to recite a vertical stationary support member having a first major axis oriented vertically and "a cartridge transport assembly coupled to the vertical stationary support member and moveable along the first major axis." As discussed above, Krayer fails to disclose or reasonably suggest a vertical stationary support member having a major axis oriented vertically and further fails to disclose or suggest supporting a cartridge transport

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assembly coupled to the vertically support member and movable along the first major axis. Accordingly, the rejection should be withdrawn and claims 10-14, 18, and 23 allowed.

Furthermore, Applicants submit that the addition of Panissidi fails to disclose or suggest the features of independent claims 1 and 10. Panissidi discloses a 4 degree robotics system for a non-tape cartridge manipulator using arms and joints, and which is driven pneumatically. Such a disclosure does not provide a teaching, suggestion, or motivation to combine the references, let alone modify Krayer to meet the features of claims 1 and 10. Specifically, Panissidi does not, and the Examiner has not identified anything therein, that would suggest to one of ordinary skill in the art to modify the disclosure of Krayer to include a stationary vertical support member supporting a cartridge transport assembly as recited. Furthermore, any such modification of Krayer to include a stationary support member would clearly change the principle of operation of Krayer; for example, the principle of operation including rail assembly 14 disposed to allow travel of a data carrier handling device 16 to access various data carrier stores 12, 22a-c, and so on. See, e.g., Krayer: col. 12, lines 51-60.

Accordingly, for at least these reasons, Krayer and Panissidi fail to disclose or suggest the features of claims 1 and 10, whether taken alone or in combination.

B. Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being obvious over Krayer (U.S. Patent No. 5,548,521) in view of Panissidi (U.S. Patent No. 4,229,136) as applied to claim 7, and further in view of Hakenewerth (U.S. Patent No. 5,183,999).

Claims 8 and 9 depend ultimately from claim 1 and are allowable over Krayer for at least similar reasons as claim 1. Further, the addition of Panissidi and Hakenewerth fail to cure the deficiencies of Krayer. Accordingly, the rejection should be withdrawn and claims 8 and 9 allowed.

C. Claim 15 stands rejected under 35 U.S.C. 103(a) as being obvious over Krayer (U.S. Patent No. 5,548,521) in view of Panissidi (U.S. Patent No. 4,229,136) as applied to claim 10, and further in view of Hanaki (U.S. Patent No. 6,483,204).

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Claim 15 depends from claim 10 and is allowable over Krayer for at least similar reasons as claim 10. Further, the addition of Panissidi and Hanaki fail to cure the deficiencies of Krayer. Accordingly, the rejection should be withdrawn and claim 15 allowed.

D. Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being obvious over Krayer (U.S. Patent No. 5,548,521) in view of Panissidi (U.S. Patent No. 4,229,136) as applied to claim 10, and further in view of Hakenewerth (U.S. Patent No. 5,183,999).

Claims 16 and 17 depend ultimately from claim 1 and are allowable over Krayer for at least similar reasons as claim 1. Further, the addition of Panissidi and Hakenewerth fail to cure the deficiencies of Krayer. Accordingly, the rejection should be withdrawn and claims 16 and 17 allowed.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 249212023500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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